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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,360	08/16/2000	Keiji Shigesada	Q60187	3575
23373	7590	03/24/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LUK, EMMANUEL S	
			ART UNIT	PAPER NUMBER
			1722	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/622,360

Applicant(s)

SHIGESADA ET AL.

Examiner

Emmanuel S. Luk

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-11,13-15,17 and 18.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Advisory Action

1. The Examiner acknowledges receipt of the drawing corrections. Additionally, Examiner acknowledges applicant's presumption that the Asai reference should have been included in the heading previously mentioned rejections as noted by the applicants.
2. Applicant's arguments filed 2/23/2004 have been fully considered but they are not persuasive.

The applicants argue in regard to the rejection concerning claims 6, 8 and 15 concerning the tip extending or protrudes into the reservoir and the undercut portions. The main focus is the undercut, or indenting by the applicant, by the prior art. The claimed states an undercut on the periphery of the distal end. This is construed by the Examiner to be either on the tip of the pin itself or on the body of the pin itself. Since the undercut, or indentation, can hold the material in place from mold opening, the claimed undercut of the invention is similar to the undercut as described in the prior art.

Applicants next argue the rejection of claims 6 and 8, again with the argument concerning Asai lack of teaching of the claimed undercut portion. Again, the examiner recites to the same reasoning as previously presented above.

Applicants argue the rejection concerning claims 1-3, 5, 13 and 14 concerning Miyairi in view of Asai, Kadoriku, Ikuo and Kunio. The applicants argue about the movement of the cut punch into the still molten resin back into a gate portion and further the undercut of the cut punch. Again, Examiner recites back in the previous office action with Kadoriku concerning the partial cooling of the product in the apparatus. The

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internal portion of the product can be still in a molten state. The second part of the argument concerning the undercut of the cut punch is given weight. However, as previously stated this is construed by the Examiner to be either on the tip of the pin itself or on the body of the pin itself. Since the undercut, or indentation, can hold the material in place from mold opening, the claimed undercut of the invention is similar to the undercut as described in the prior art.

Applicants state claim 4, 7 and 9-11 are dependent, either directly or indirectly, upon claim 6.

In regards to claim 11, applicant argues the depth is not merely a change in shape or size as contended by Examiner. The argument of the ratio is not persuasive since the change of the ratio can vary during the operation of the apparatus with the pin changing the communication portion in relation to the resin reservoir. Thus, the cited references can have the ratio of the resin reservoir to communication portion as a mere change in shape or size.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (571) 272-1134. The examiner can normally be reached on Monday-Thursday 7 to 4 and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on (571) 272-1151. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EL


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700